OBSERVATIONS

ON THE

BILL

FOR THE

SALE OF CORN BY WEIGHT,

AND FOR

PREVENTING ADULTERATION OR ADDITION.

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OBSERVATIONS, &c.

IN making obſervations on this bill, I ſhall, firſt, conſider its principle; and, ſecondly, examine its clauſes, taken ſeparately.

I. As to *the Principle of the Bill.*

The general principle of this bill, that corn ſhould be ſold by weight, and not by meaſure, is undoubtedly a good one. But as there is nothing ſo clear that ſome men will not call in queſtion, it may be proper, in a few ſentences, to defend the principle of this bill.

Articles of commerce are ſold either by number, by meaſure, or by weight. When they are ſuppoſed to be nearly of equal value, and can eaſily be numbered, they are ſold by number. Where the value is not equal, or where it would be troubleſome to number them, they are ſold by weight, or by meaſure. Selling by number is leſs accurate than ſelling either by meaſure or by weight; and ſelling by weight is generally a more exact way of tranſacting buſineſs, than ſelling either by number or by meaſure. Wherever, therefore, weight can be uſed, if the article ſold is of any value, ſelling by weight ſhould be adopted. There are many articles beſides corn, which are at preſent ſold by meaſure, but which ought to be ſold by weight only. Potatoes, for example, ought to be included in this bill.

Theſe remarks hold good of articles of commerce in general. In regard to the ſale of corn in particular, there are two unanſwerable arguments, which may be urged in favour of ſelling it by weight. The firſt is, that it tends to promote juſtice in all tranſactions, between the buyers and ſellers of corn. The ſecond is, that in the leaſt troubleſome and moſt effectual manner, it removes a number of abuſes, which have long been complained of in vain.

Firſt, it tends to promote juſtice in all tranſactions between the purchaſers and the ſellers of corn.—It does ſo in various ways.

Corn is much lighter on ſome ſoils, in ſome expoſures, and in ſome ſeaſons, than when it is raiſed on other ſoils, lies in a different expoſure, or is produced in a different ſeaſon. If it be ſold by meaſure, there is a much greater difference in the value of different kinds or qualities of corn, than if it be ſold by weight. A buſhel of wheat differs more in value from a buſhel of oats, than an hundred weight of wheat differs from an hundred weight of oats; and a buſhel of good and weighty corn of any kind, differs more in value from a buſhel of bad and light corn of the ſame kind, than a hundred weight of heavy corn differs from a hundred weight of light corn. When a man buys light grain, he finds that he has not only leſs meal or flour from the ſame weight of unground corn, but alſo that he has leſs weight of that corn

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corn for his measure.* Buying by weight is therefore more equal. Wherever there is inequality in the value of goods, or mode of selling them, there is always some temptation to injustice. Besides, a man who is not thoroughly acquainted with the business, is very apt to be deceived by the appearance of corn. The shape of the grain and thickness of the hull frequently deceive him. It deserves also to be mentioned, that no man can measure so accurately as he can weigh; and that there is an art in measuring corn; that many frauds are committed in measuring it.

On all these accounts, corn should be sold by weight, rather than by measure, for the sake of promoting material justice in all transactions between the sellers and purchasers of corn.

The other argument in favour of selling corn by weight, is, that in the least troublesome, and most effectual manner, it removes a number of abuses, which have long been complained of in vain.

The preamble of the bill states, that, notwithstanding the bushel, called the Winchester bushel, is the only measure of that name authorized by law, there are various customary measures, used in different parts of the kingdom. The fact is, however, that there are† *Four Winchester Bushels, all authorized by law, and all different*—the difference between the greatest and the least of these being above 2½ per cent. There are also above 200 corn measures in England, and about 70 in Scotland. A number of unsuccessful attempts has been made to equalize our measures, and it must be acknowledged that the reducing of all our measures to one national standard, would be attended with many temporary inconveniences. But we have fortunately fewer weights than measures: and the same quantity of weight could easily be established over all the kingdom, for weighing a sack of every kind of grain. By this means, without reforming any of our provincial standards, we do in the

* This can be illustrated by a fact which is equally remarkable and unquestionable. In 1782, the average weight of a bushel, or of any other measure of oats, raised in Aberdeenshire, was almost exactly *two thirds* of the average weight of the same measure of oats in a good season. The quantity of meal, however, was only *one third* of the usual produce of the same measure of good oats. The man therefore who bought unground oats by measure, had only a *third* part of the quantity of meal, which he obtained from that measure in a favourable year. If instead of buying his oats by measure, he had bought them by weight, he would, from the lightness of the grain, have had three bushels of measure for his two bushels of weight, and his weighed bushel would have yielded, even in that calamitous year, not one third, but one half, of what the same weight of corn produced in a good season. If wheat last year had been sold in England by weight, flour would probably have been cheaper than when the wheat was sold by measure. At any rate, fewer frauds would have been committed in the sale of wheat, and the price of a quarter of wheat would have not been sometimes less than the price of a sack of flour.

† The four bushels alluded to are, 1st. The bushel raised from the Winchester gallon, which should contain 2178 inches. 2nd. The brass bushel of Henry VII. which was measured in 1697 by Mr Everard, before a committee of the House of Commons, and contained 2145.6 inches. 3d. The common guagers bushel of 1701, established by law for the duties on malt. 4th. The brass bushel of Queen Elisabeth, which was used as the standard in 1756, 1757 and 1758, and which a committee of the House of Commons found to contain only 2124 inches. The difference between the greatest and the least of these bushels is 56 cubic inches, or above 2½ per cent.

the leaſt troubleſome, and moſt effectual manner, remove a number of abuſes, which have long been complained of in vain.

It cannot, therefore, admit of a doubt with any unprejudiced man, eſpecially with any man of a comprehenſive mind, that the ſelling of corn by weight is preferable to ſelling by meaſure; and that the ſelling by meaſure ought to be aboliſhed, and ſelling by weight eſtabliſhed by law.

At the ſame time, while diſcuſſing the principle of the bill, it is proper to enquire, whether ſelling by weight be not only preferable to ſelling by meaſure, but alſo whether it be the beſt poſſible mode, according to which corn can be bought or ſold. For it is not enough, that one method be comparatively better than another; it ſhould be abſolutely the beſt that we know, which is propoſed to be eſtabliſhed by law.

Here it is to be obſerved, that where both the ſeller and the purchaſer are judges of the quality of corn, the ſelling *by weight only*, if the whole corn be in the market, or ſelling *by weight and ſample*, if only a ſpecimen of it be ſhown to the purchaſer, is ſufficient in all corn tranſactions. But candour requires, where both the parties are not judges, or where either of them wiſhes to know exactly the quality of the corn, that meaſure be uſed for aſcertaining this, and this only. And if the corn be ſold by the weight, or by the quantity of a ſack, not by the meaſure or by the contents of a buſhel, no harm can ariſe from allowing meaſure to be uſed for aſcertaining this, and this only. For example, a corn merchant purchaſes ſo many ſacks of barley at a certain price, upon condition that the grain is ſo fine as that a Wincheſter buſhel of it weighs 48 lb. avoirdupois. Here, the barley is ſold by the ſack; but a buſhel is meaſured out of every ſack, if the purchaſer deſire it, to prove that the barley is as weighty as was agreed upon. If the barley be ſufficiently weighty, the price muſt be paid; if it be lighter than was covenanted, it is returned upon the ſeller, who muſt find good barley to the purchaſer. Either the national or provincial meaſure or* any meaſure whatever upon which the parties have agreed may be uſed for this purpoſe. And the legiſlature, which very properly interferes in regard to the rule for knowing *the quantity*, has no right to interfere in regard to the rule for aſcertaining *the quality* of the grain. This certainly belongs to the parties, and to them only.

The concluſion which is to be drawn from all theſe obſervations on the principle of the bill is, that all kinds of corn ſhould be bought and ſold by weight only; but that it ſhould be lawful, if the parties agreed to it, to uſe meaſures for aſcertaining the quality of the grain. So much for the principle.— The clauſes of the bill are next to be conſidered.

To enable us to examine theſe properly, it will be neceſſary to mention previouſly ſome general rules, which every Britiſh ſubject ought to lay down to himſelf, in framing or ſupporting any clauſes or regulations on this ſubject. As the bill underwent ſeveral alterations in the laſt committee of the Houſe of Commons, it is the more neceſſary to mention theſe rules in this place, becauſe

* For example, a corn merchant purchaſes ſo many ſacks of barley, on condition that a Carliſle buſhel of it (equal to 3 Wincheſter buſhels) weigh 144 lbs. or a Linlithgow corn firlot, which is equal to $1\frac{1}{2}$ Wincheſter buſhels, weigh 72 lbs. In both theſe caſes, the county meaſures are juſt as good for proving the quality of the grain, as the Wincheſter buſhel can be, and the barley is as fine, and the ſack of it worth as much money as in the former caſe.

cauſe ſome of the clauſes, which the committee very properly rejected, may be reliſhed by perſons, who do not attend to theſe general rules or principles by which all ſuch laws ſhould be regulated.

The following, I apprehend, may be conſidered as axioms, from which we ſhould reaſon, or principles, according to which we ſhould act.

1. One ſimple general rule ſhould be preferred to a multitude of complicated and particular regulations.

2. This rule, though ſimple and general, ſhould be clearly expreſſed, as that every word may have a preciſe meaning.

3. Where ſuch a comprehenſive general rule cannot at once be eſtabliſhed, every regulation, which is ſhort of that, ſhould approach to it as near as poſſible, and prepare the way for introducing a comprehenſive ſyſtem, as ſoon as mens minds are ready to receive it.

4. Every new regulation ſhould be attended with as little trouble to the ſubject, as is poſſible.

5. Where a partial regulation occaſions as much trouble, as would be occaſioned by a general comprehenſive rule, ſuch a regulation is improper.

6. The quality, as well as the quantity, of what is brought to market, ſhould be known to the dealers, or allowed to be aſcertained in any way they chooſe to do ſo.

7. No regulation which is hurtful to the intereſts of Agriculture, ſhould be introduced into a law which is intended to regulate only the buying and ſelling of corn.

8. No regulation which is inconvenient for the kingdom in general, altho' very convenient for a particular market, ſhould be eſtabliſhed by law.

9. No weight or meaſure, which is at preſent in general uſe, ſhould be unneceſſarily altered.

10. Any denomination of weight or meaſure which is known and uſed in all parts of the iſland, ſhould be carefully preſerved.

11. The ſimpleſt and leaſt expenſive method ſhould be adopted for ſettling all diſputes, to which this law may give riſe.

12. The wiſdom of the regulations, rather than the ſeverity of the ſanction, ſhould characteriſe a law of ſuch conſequence to the kingdom.

After attentively conſidering theſe general rules, the different clauſes of the bill, as introduced into the Houſe of Commons, and as amended by the Committee, may be ſeparately examined, and either approved or rejected by the legiſlature.

The firſt clauſe is that which appoints corn to be ſold by weight only.—I can ſee no harm from adding to this clauſe ſuch words as the following. "And that no kind of corn ſhall be allowed to be meaſured, except for aſ-"certaining the quality of the grain." The addition of theſe words is made from a regard to the 6th axiom or principle above laid down. If they are judged unneceſſary here, they ſhould be inſerted in a proviſo at the end of the bill. But they ſhould be inſerted ſomewhere, to prevent the miſtakes of plain country farmers, or of ignorant Juſtices of the Peace.

As to the uſe of this clauſe, I would obſerve, that for ſome time, till the dealers are accuſtomed to buy and ſell by weight only, it is probable that they will meaſure as well as weigh; but in a few years, if they are obliged to ſell by weight, they will only weigh, and not at all meaſure, even for the purpoſe of aſcertaining the quality of their grain. The allowing the addition

to this clauſe is therefore agreeable alſo to the 3d general rule, above laid down.

The ſecond clauſe of the bill fixes the weight according to which all corn ſhall be ſold.—The averdupois pound is the unit eſtabliſhed by the bill—and from the amendment made by the Committee, 280 ſuch pounds are propoſed to be the weight of the ſack, 140 lb. the half ſack, and 70 lb. the quarter of a ſack or bag, of all kinds of corn, meal, or flour.

The amendment made by the Committee was a great improvement on this clauſe. The ſelling all kinds of corn by the ſame weight is an excellent regulation. In this bill, as it was introduced into the Houſe, there were different weights eſtabliſhed for the buſhel, ſack, and quarter, of different kinds of grain. The eſtabliſhing of theſe different weights was highly improper‖. It was contrary to the 1ſt, 3d, 4th, 5th, 9th, and 10th general rules which were lately mentioned as axioms or principles: and the committee of the Houſe of Commons acted very properly in fixing upon one weight, by which all kinds of corn are to be bought or ſold. The quantity alſo which they fixed upon, viz. the ſack, was particularly proper.—It is not only generally known, and in general uſe in ſelling, all ground corn, meal, or flour; but it is the point of coincidence between the Engliſh Troy weight, which by the articles of the Union is the legal weight of Great Britain, and what is called avoirdupois weight, (which is in general uſe in England) and alſo Scots Troy weight, which before the union was the legal weight of Scotland, and ſtill is in general uſe in that country. The ſack is either 340 Engliſh Troy, 280 lb. of the preſent avoirdupois weight, or 256 lb. of Scots Troy.—There is a very ſmall difference, about 5 grains in 7000, in every avoirdupois lb. and alſo a few grains on the Scots Troy pound: but as the difference is very trifling, the weight of the ſack may be called the point of coincidence between the national weights uſed in Great Britain. Thus far, therefore, this clauſe of the bill is very proper.

Perhaps, however, the avoirdupois pound is improperly eſtabliſhed as the unit or ſtandard. At any rate, the following objections to it deſerve ſome attention. Firſt, the particular weight, now called avoirdupois weight, is nearly 10 per cent. leſs than what the avoirdupois pound is fixed at by law.

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‖ It was contrary to the firſt axiom, as it eſtabliſhed a multitude of complicated and particular regulations, for the weight of a buſhel of every kind of corn, inſtead of one ſimple and general rule, the weight of a ſack of every kind of corn, ground or unground. It was contrary to the 3d axiom, as it tended to preſerve the names and memory of our former meaſures, and after meaſuring was aboliſhed, kept us from approaching to a ſimple general rule. It was contrary to the 4th and 5th axioms, as the multitude of *ſacks* would have given much trouble to the ſubject, even more than can ariſe from the introduction of one general weight of a ſack for every kind of corn. It was contrary to the 9th and 10th axioms, becauſe the ſack of meal or flour is a weight very generally known, and ought therefore to be preſerved. Indeed nothing could have been more abſurd, than to eſtabliſh *four or five different ſacks*, after the *weight of a ſack* had been generally uſed. As ſome perſons are diſpoſed to think that different weights ſhould have been eſtabliſhed for the different kinds of corn, I thought it neceſſary to be more particular in this note, than I ſhould otherwiſe have been.

By the ſtandard of weights and meaſures in the Exchequer† it was ordained

† The ſtandard of weights and meaſures, which is often referred to in Engliſh Acts of Parliament, has been abſtracted from the exchequer; and is now, or was lately in the manuſcript library of the Earl of Oxford. It is a very curious piece of parchment, fixed to an oaken table, and is adorned with pictures, in the manner of the times, of the Trinity, of the King, Henry VII. of his council, of the clerk of the market and his officers, of an offender in the ſtocks, as a foreſtaller and regretter of proviſions, and of ſeveral attendants in the act of burning falſe meaſures. A fac ſimile of it is now in my poſſeſſion. It was publiſhed by the ſociety of Antiquarians in 1746. Avoirdupois weight is mentioned in the following words: *The ſame time ordayned that 16 onces of Troy maketh the Haverdupuoſe ali (pound) for to by and ſell ſpice by, to be divided from the moſt pte. to the leaſt, that is to ſaie ye once and ali for garbeling, ali, 2 li, 3 li, 4 li and 8 li, and no further, of old time called the ſtone of London, the C is trew this day, 5 ſcoore for the C, as appereth in Magna Charta.*

From the above quotation the following facts are clearly deducible.

1ſt, The Engliſh *legal* avoirdupois lb. contains 16 Engliſh Troy ounces; and, conſequently, as the Troy ounce contains 480 of the preſent Troy grains, the legal avoirdupois lb. contains 7680 grains.

2d, The legal avoirdupois pound had all its denominations in the dual diviſion, the ounce being *one ſixteenth* part of the pound, and the ſtone being 8 lbs.

3d, The legal avoirdupois pound had only five ſcore to the hundred, or 100 pounds for the cwt.

4th, The preſent avoirdupois weight, which contains nearly $14\frac{6}{10}$ Engliſh Troy ounces, or 7000 Troy grains to the pound, which has 14lbs. to the ſtone, and 112 lbs. for the cwt. is, in every reſpect, different from the only legal avoirdupois weight.

5th, The ancient legal avoirdupois pound is the ſame, or nearly the ſame, with the pound of Paris, Amſterdam, Bruſſels, and Edinburgh; called, indiſcriminately, French, Dutch, or Scots Troy weight.

6th, The peck loaf in the aſſize of bread, commonly called 17 lbs. 6 ozs. avoirdupois, is very nearly the 16 lbs. or 2 ſtones of the old avoirdupois weight. The Scots Troy ſtone weight is not quite 17 lbs. 7 ozs. of the preſent avoirdupois weight.

It may here be remarked, that the Saxon pound of 12 ounces Tower weight contained 5400 of the preſent Engliſh Troy grains. Suppoſing the avoirdupois pound to contain only 16 ounces of that weight, it ſhould be 7200 grains, or nearly half an ounce larger than it is. But the ſtandard in the Exchequer ſays, that 16 *Troy onces* maketh the haberdupuoſe ali or pound. It alſo fixes, in another place, the weight of the buſhel at 800 Troy ounces, or 50 of the old or legal avoirdupois pounds. This is not far from the contents of the braſs *legal* buſhel of Henry the vii. I ſay the legal buſhel, becauſe that avaritious king cauſed make a buſhel, which ſtill exiſts, and is 3 pints too large; but, upon a complaint from his Parliament, the braſs buſhel, which is our preſent ſtandard, was made. He alſo took nine buſhels for the quarter; but, on a complaint alſo from his Parliament, that evil was remedied. The kings of England had, at that time, a numerous retinue of attendants, and their purveyors bought great quantities of corn—therefore Henry vii. took *large meaſure;* and as he had the duties of tonnage and poundage on wool and other articles, it was his intereſt to *diminiſh the weights.* But John Bull took care of his loaf of bread, and the peck loaf is ſtill nearly 16 legal avoirdupois pounds. Butcher meat was appointed to be ſold by the ſame weight; but the law, being on other accounts improper, was repealed.

ed that 16 troy ounces make an avoirdupois pound. (The ounce was the ſame in both caſes.) But the preſent avoirdupois pound contains little more than 14½ troy ounces—and the averdupois ounce is 1½ drams leſs than the troy ounce. Secondly, ſince the reduction of the avoirdupois weight, its proportion to Engliſh troy has never been fixed by law. Thirdly, Its diminution is unknown to the law of England; and as Engliſh ſtatutes never become obſolete, but muſt be in force till repealed, the preſent weight ſo called is not avoirdupois weight, whatever it be. Fourthly, The committees of the Houſe of Commons in 1757, 1758, and 1759, were unanimous in rejecting avoirdupois weight, and in thinking that all weights ought to be according to the Engliſh troy pound. They reported, "that they preferred "the troy pound as the ſtandard, becauſe it is beſt known to the law, has "been longer in uſe, is that by which our coins are meaſured, which is beſt "known to the reſt of the world; *while the avoirdupois pound is of doubtful au-* "*thority*, and unfit to be made a ſtandard." On all theſe accounts it appears, that the Engliſh troy weight ſhould be kept as the ſtandard, in preference to the avoirdupois. As an additional objection to eſtabliſhing the preſent avoirdupois pound, it ſhould be noticed, that the Scots troy weight, which is not 1 per cent. leſs than the ancient and legal Engliſh avoirdupois, and has, no doubt, been the ſame with it originally, is in general uſe in Scotland; and that it would be unneceſſarily injurious if this bill is extended to Scotland, to introduce the Engliſh reduced avoirdupois among the Scots farmers, who are already provided with Scots troy weights.

There appears to me to be two ways of accommodating this matter.—Firſt if two ſeparate bills, viz. one for England and the other for Scotland, are introduced into the new Houſe of Commons. The ſecond, if only one bill is uſed for Great Britain.

If a ſeparate bill be introduced for England, the clauſe muſt run thus. "Such weight ſhall be according to the ſack of 280 avoirdupois pounds, each "pound containing 7000 troy grains." By this means the avoirdupois pound preſently uſed in England is connected with the Engliſh troy, which is the ſtandard, and is thus prevented from being farther reduced or diminiſhed. As the law ſtands at preſent, there is no connection whatever between the Engliſh troy and the preſent avoirdupois weight.

If a ſeparate bill be introduced for Scotland, the clauſe ſhould run thus. "Such weight to be according to the Scots troy ſtone; and the ſack ſhall contain 16 ſtones or 256 lb. Scots troy." (The ſtone is the unit of the Scotch weight.)

By this means the ſack will contain the ſame quantity, or very nearly the ſame quantity, both in England and in Scotland. Only that quantity will be expreſſed by different numbers in the two countries; and in England the avoirdupois weight will be connected with Engliſh troy, which ſhould ſtill be the unit or ſtandard.

If one bill is introduced into Parliament, comprehending both Scotland and England, the ſack ſhould ſtill be at the point of coincidence between the three national weights; but the Engliſh troy ſhould be the unit or ſtandard, by which both the preſent Engliſh avoirdupois and Scots troy weight ſhould be regulated. Only avoirdupois weights might be allowed to be ſtill uſed in England, and Scots troy in Scotland. If this opinion be adopted, a clauſe might be introduced into the bill in room of the preſent clauſe, to the following

lowing effect. " Such weight ſhall be according to the Engliſh troy pound, " with an even beam or balance, and 340 ſuch pounds ſhall be accounted a " ſack of all kinds of corn, meal, flour, bran, or other produce of corn, " and of pulſe and potatoes. But whereas the weight called avoirdupois is " in general uſe in England, and 280 lb. of that weight are equal to 340 lb. " Engliſh troy, it ſhall and may be lawful to uſe that weight in England, " and 280 lb. of that weight ſhall be deemed and taken for a ſack, 140 lb. " half a ſack, and 70 lb. a bag or quarter of a ſack. And whereas Scots " troy weight is in general uſe in Scotland, and 256 lb. or 16 ſtones of that " weight, are equal to 340 lb. Engliſh troy—it ſhall and may be lawful to " uſe that weight in Scotland. And 256 lb. or 16 ſtones of that weight, " ſhall be deemed and taken for a ſack, 128 lb. a boll or half ſack, and " 64 lb. a bag or quarter of a ſack."

By a regulation of this kind, Engliſh troy is eſtabliſhed as the ſtandard, and the preſent avoirdupois and Scots troy weights are connected with it, which has hitherto been unaccountably neglected. The Britiſh legiſlature may take their choice of theſe two methods; but I confeſs, I think the firſt method is the beſt; and that by having two bills, one for England, and one for Scotland, two ſimple clauſes might be introduced, inſtead of the above complex one. And as there muſt be diſtinct clauſes about regulating the fiars of the year in Scotland, and for giving to the ſheriffs in that country ſuch powers as are given to the juſtices of peace in England, I ſhould think it moſt adviſeable to have two diſtinct bills, one for South and the other for North Britain.

The third clauſe regards the method of ſettling diſputes, where rents are payable in kind. It is a very wiſe regulation, that arbitrators ſhould be appointed to ſettle all differences between the payers and receivers of corn, concerning the weight that is to be given inſtead of the former meaſure. The firſt part of this clauſe, however, is rather aukwardly expreſſed—it is ſaid, " That it ſhall and may be lawful for any ſuch perſons to agree upon and " nominate two ſkilful men." It is always lawful for parties to agree.—The law ſhould only appoint arbitrators in caſe of their diſagreeing. The clauſe ſhould have been expreſſed in words to this effect. " In caſe the pay- " er and receiver of corn ſhall not agree upon the weight, the juſtices, upon " petition from either of the parties, ſhall name arbitrators."

Perhaps, however, inſtead of one general regulation on this ſubject, the following particular clauſes may be inſerted in the bill.

1ſt. The Juſtices of the Peace of every county in England, (and the Sheriffs of all the counties of Scotland,) ſhall convene a jury of 6 landed proprietors or farmers, and ſix merchants or manufacturers, who ſhall fix the average weight which is to be paid for the future by all feuers, leaſe-holders, tithe-holders, or farmers, inſtead of the preſent meaſures of the different kinds of corn, pulſe, or potatoes—and ſuch weight ſhall be paid inſtead of the former meaſures, unleſs the payer and receiver otherwiſe ſettle the matter, or until one of them apply for a particular converſion.

2d. If either the payer or receiver ſhall apply to the Juſtices in England, (or to the Sheriff in Scotland) for a particular converſion to be fixed by arbitrators, the juſtices (or ſheriff) ſhall name two arbitrators accordingly. Theſe arbitrators ſhall at their firſt meeting chooſe an umpire or overſman, and whatever weight the two arbitrators, or one of them along with the overſman, ſhall determine to be paid inſtead of the former meaſure, the ſaid

weight

weight ſhall be paid accordingly; and the expence of fixing the ſame ſhall be paid, as they ſhall determine, by the two parties, or either of them.

3d. In ſtriking the fiars of the year in Scotland, the jury, inſtead of the preſent practice, ſhall find the price of a ſack of every kind of corn, ground or unground.

4th. The ſheriffs, in making returns of the prices of corn, ſhall report to the receiver of corn returns, the prices of a ſack, inſtead of a buſhel, of every kind of corn, meal, or flour.

Theſe four clauſes appear to me to be neceſſary inſtead of the above 3d clauſe of the bill—but I make the following remarks, at the ſame time that I propoſe theſe clauſes. Firſt, If the jury, mentioned in the firſt clauſe, fix the general average properly, very few perſons will apply to get arbitrators named; but if ſuch application be made, arbitrators in this particular caſe are a leſs expenſive, and a better mode of ſettling any diſpute, than a ſheriff and a jury. Secondly, If ſome gentlemen be of opinion, that a ſheriff and jury ſhould determine theſe matters, let a clauſe be introduced for that purpoſe; but let the parties be at liberty to apply either for a jury or for arbitrators, as they chooſe. Thirdly, In ſtriking the fiars of the year, I once intended to propoſe, that the jury ſhould determine, firſt, the price of a ſack of every kind of corn—ſecondly, the proportion between that and the preſent county meaſure—and thirdly, the price of that meaſure computed from the two former. But, as this would be too complex an affair for a jury, to be done every year, and as all laws ſhould be ſimple, I give up that method: and now propoſe that the jury ſhould find only the price of a ſack, of every kind of grain.—But to proceed.

The fourth clauſe of the bill appoints that all bargains ſhall be void, which are made by any other than avoirdupois weight, or where meaſure is uſed or weight is not uſed, or where any addition or allowance is made to the quantity or weight. This clauſe is rather indiſtinctly worded, and it contains various matter.

The firſt part of it, making all bargains void where avoirdupois weight is not uſed, is very improper. The legal avoirdupois weight does not exiſt.—And as the laws of England never become obſolete, (unlike thoſe of Scotland in this reſpect) the avoirdupois pound muſt contain 16 troy ounces, which would in caſe of a law ſuit, deſtroy all the preſent avoirdupois weights. Let Engliſh troy be the ſtandard, or let avoirdupois weight be connected with it. In regard to ſelling by meaſure, or by any other way than the weight of a ſack, it ought to be aboliſhed. But perhaps the declaring all bargains void in which meaſures are uſed, is too ſtrong a regulation.—So beneficial a law, will not require ſo ſevere a ſanction.† But a penalty of ſuch a ſum as 25 per cent. ad valorem, might be properly inſerted in this part of the bill—and inſtead of nullifying the bargain, it would be proper to enact that all ſuch corn as is contracted to be ſold or delivered by meaſure, ſhall be delivered by weight

† I can foreſee many caſes in which the rendering all ſuch bargains void would be attended with the worſt effects.—A farmer takes a leaſe, unfortunately part of the rents are paid in kind and by meaſure; he improves the farm at a great expece—a quibbling attorney lays hold of the article by which his rent is paid in kind and by meaſure, and turns the induſtrious man out of his farm upon this nullifying clauſe of the bill.

weight only, and by that general average weight, which the jury above-mentioned ſhall have determined to be paid, inſtead of the former meaſure. By this means, the law executes itſelf, which is much better than truſting to a ſevere ſanction.

The laſt two articles, mentioned in this clauſe, concerning overweight, or any allowance or addition to the quantity, regard matter ſo very different from the preceding, that they ſhould have been expreſſed in a ſeparate clauſe, and with a ſhort preamble, as they are not mentioned in the general preamble of the bill. At the ſame time, as the practices alluded to clearly deſerve to be puniſhed, the nullifying that part of the bargain, which propoſes an over-weight or allowance, is very proper. A new clauſe ſhould have been inſerted here, in ſuch terms as the following. "Whereas a "practice has prevailed of giving allowance, addition, or any over-weight, "all ſuch allowances, which tend to conceal the true price of corn, are "hereby declared to be unlawful, and the payer ſhall only be bound to pay "the neat weight, without any addition, and the receiver ſhall receive the "neat quantity without making any deduction from the price."

The fifth clauſe contains penalties which are deſervedly impoſed upon ſuch perſons. There is, however, this ſtrange defect in this clauſe, that the penalty is the ſame in all caſes, whether the quantity ſold or delivered be great or ſmall. The penalty of 2 ſhillings, for an allowance of one hundredth part, upon a conſiderable quantity, is a mere trifle, and muſt be entirely ineffectual. The beſt method of impoſing this penalty, would be, to impoſe it ad valorem—and the clauſe might run thus. "Every ſuch perſon "ſhall forfeit 2 ſhillings, out of every 20 ſhillings of the price of the whole "quantity, for every ſuch addition as ſhall amount to one hundredth part "of the whole weight."

The ſixth clauſe regards adulteration. Here it ſhould be added, "or "mix any kind of meal or flour, with any other kind of meal or flour—or, "who ſhall put different qualities of corn in the ſame ſack."—Mixing different kinds or qualities of corn or meal, is as much adulteration, as mixing ſand or duſt among the grain.

The ſeventh clauſe appoints all market towns, to have a ſet of weights: but all corn mills ought alſo to have weights, at the expence of the proprietor.—Theſe are ſeldom to be had in the corn mills of Scotland. ‡

The eighth clauſe mentions the different weights to be kept. In Scotland, where the Scots troy weight is uſed, theſe ſhould be, 3 weights of 64 lb. each, 1 of 32 lb. 1 of 16 lb. 1 of 8 lb. 1 of 4 lb. 1 of 2 lb. and 2 of 1 lb. each; or the clauſe ſhould bear in general, "as many weights as will weigh a ſack, and all the portions or parts of a ſack."

After the 8th clauſe a proviſo ſhould be inſerted to this effect.

"That

‡ A very intelligent gentleman ſuggeſts to the author, that corn mills ſhould be exempted from the operation of this law, becauſe it would be troubleſome to weigh all the corn ground at a mill, for which mill multures, or other mill dues are paid in kind. It is to be hoped the Legiſlature will aboliſh theſe altogether. But while they are continued on the preſent footing, it is of great conſequence that they charge no more than the quantity due them for mill dues. And as the ſmall meaſures for theſe laſt are not always in exact proportion to the large meaſures uſed at mills, the introducing of weight would be beneficial.

" That it ſhould be lawful to meaſure any part of the corn bought or ſold " according to any previous agreement made between the parties for aſcer- " taining the quality of the grain; but that the corn ſhould be put up in " ſacks, half ſacks or bags, and ſhould be ſold by the weight or ſack only."

It may be objected that this clauſe would defeat the law. I think it will not; but of this I am certain, that the Britiſh Parliament has no right to interfere between a buyer and ſeller, in regard to any mode they chooſe to adopt for aſcertaining the quality of corn. And if this clauſe is thought too general, in place of the words *any part of the corn*, the words one buſhel, or other meaſure out of every ſack of corn may be inſerted. This would aſcertain the quality without allowing the whole to be meaſured.

The proviſo which fixes an halfpenny for every weight not exceeding 140 lb. might be extended to a whole ſack or 280 lbs. Every means ſhould be uſed at firſt to make the law popular. And at firſt there will be ſo many weighings, that there will be as much profit to the keeper of the weights at one halfpenny per ſack, as they ſhould deſire. After the law is eſtabliſhed for ſome years, and the weights are rarely uſed, the juſtices may uſe their power given by the next proviſo, of raiſing the rates due to the keepers of weights, for the trouble of weighing.

Laſtly, in regard to clauſe A. added by the committee at the requeſt of the Lord Mayor of London, it muſt be attended with the worſt effects. It will defeat the great object of the bill. It will allow the fraudulent merchant to buy by meaſure, and ſell by weight. It will occaſion all the lighteſt corn to to be carried to the port of London, while it is ſold there, and there only, by meaſure. It will occaſion the corn which was loaded at other ports by weight to be unloaded in the Thames by meaſure. It will equally hurt the farmer, and the manufacturer, and can only benefit the artful corn merchant. I ſpeak not of the honeſt corn merchant, who will not aſk ſuch a clauſe. Perhaps this clauſe at firſt may be attended with a little inconvenience, but the object of the bill is to promote juſtice; and inconvenience is not to be oppoſed to injuſtice. But even this inconvenience may be remedied. A clauſe allowing the ſworn meters of London, to meaſure all unground corn, and weigh one ſack, or one buſhel out of every ten, and to compute the number of ſacks, from the weight of that one, would obviate every objection. But I doubt if this clauſe is neceſſary. If the corn were weighed in large quantities, it could be weighed as expeditiouſly as it could be meaſured. It certainly would be more juſt to all, to uſe weight only. And either the ſeller or purchaſer ſhould have a power to force its being weighed if they chooſe.

It needs only be added, in regard to the general effect of this bill, that by weighing all grain the farmer would be induced to keep the lighteſt at home, and to carry to market only what would be moſt productive, and what to the manufacturer, brewer or diſtiller, would beſt afford to pay all taxes. In ſhort the farmer will gain, the manufacturer will gain, the honeſt corn merchant will have an avowed profit; the diſhoneſt corn dealer will only ſuffer by the eſtabliſhing of one law over all the kingdom.

Gentlemen who cannot or do not chooſe to enter into all the above remarks, may underſtand the heads of a bill. Therefore the author of the above obſervations, humbly offers in the ſimpleſt form, and plaineſt words, which have occurred to him, the whole of the above corrections, drawn up like the form of a bill.

HEADS OF A BILL,

FOR THE

SALE OF CORN BY WEIGHT,

AND FOR

Preventing Alteration, Allowance, or Addition.

WHEREAS the ſelling of corn, pulſe and potatoes by meaſure is uncertain and liable to fraud, and from the variety of corn meaſures is attended with a number of inconveniences, his Majeſty, by and with the advice of both houſes of Parliament, has enacted, and hereby enacts the following regulations.

1. All kinds of corn, ground or unground, and the produce thereof, and alſo all kinds of pulſe and potatoes, ſhall after the firſt of——next be ſold by weight only.

2. Such weight ſhall be according to the avoirdupois pound, of 7000 Troy grains to the pound†, and 280 ſuch pounds ſhall be deemed a ſack, 140 pounds an half ſack, and 70 pounds one quarter of a ſack or bag.

3. Upon the—day of——next the Juſtices of the Peace of every county in England (and the Sheriff of every county in Scotland) ſhall convene a jury of ſix farmers or proprietors of land, and ſix merchants or manufacturers, who ſhall fix the average weight which is to be paid for the future by all feuers, farmers, contractors, leaſe holders, or tithe holders, inſtead of the preſent mea-

† The above 2d clauſe in the bill for England, if there are two bills—in that for Scotland—" Such weight ſhall be according to the ſack of 16 ſtones, or 256 lbs. Scots Troy, the half ſack of 8 ſtones ſaid weight, or 128 lbs. and the quarter of a ſack or bag of 64 lbs."

But if one bill is to anſwer for Great Britain—" Such weight ſhall be according to the Engliſh Troy pound, the only legal weight of this kingdom; and 340 ſuch pounds ſhall conſtitute a ſack, 170 an half ſack, and 85 lbs. a quarter of a ſack or bag." This would eſtabliſh the only legal unit or ſtandard. If it be thought proper to take notice of the weights which are in more general uſe, add—" But as the weight called avoirdupois is in general uſe in England, and 280 ſuch lbs. are equal to 340 Engliſh Troy, therefore avoirdupois weight ſhall be allowed to be uſed in England, and 280 ſuch pounds ſhall be deemed a ſack, 140 an half ſack, and 70 lbs. a quarter of a ſack or bag: And whereas the Scots Troy weight is ſtill in general uſe in Scotland, and 16 ſtones, or 256 libs. of that weight, are equal to 340 lbs. Engliſh Troy, therefore, Scots Troy weight ſhall be allowed in Scotland, and 256 lbs. ſhall be deemed a ſack, 128 lbs. an half ſack, and 64 lbs. a quarter of a ſack or bag."

meaſures of the different kinds of corn, pulſe or potatoes; and ſuch weight ſhall be paid inſtead of the former meaſures; unleſs the payer or receiver otherwiſe ſettle the matter, or until one of them apply for a particular converſion.

4. If either the payer or receiver from local circumſtances ſhall conſider the above average weight to be either too much or too little, in his particular caſe, and ſhall apply to the Juſtices or to the Sheriff, for a particular converſion to be fixed by the ſaid jury, his requeſt ſhall be granted; and whatever weight the jury fix and determine to be paid inſtead of the preſent meaſure, the ſame ſhall be paid accordingly; and the expence of determining the ſame ſhall be paid by the parties as the jury ſhall direct.

5. If either the payer or receiver apply to the Juſtices in England, (or to the Sheriff in Scotland) for a particular converſion to be fixed by arbitrators in preference to fixing it by a jury (the Juſtices) (or Sheriff) ſhall name two arbitrators accordingly. Theſe arbitrators ſhall, at their firſt meeting, chooſe an umpire or overſman, and whatever weight the two arbitrators, or one of them along with the umpire, ſhall determine to be paid inſtead of the former meaſure, the ſame weight ſhall be paid accordingly; and the expence of fixing the ſame ſhall be paid by the two parties or either of them, as the arbitrators ſhall determine.†

6. The Sheriff of every county of Scotland, in ſtriking the fiars of the year, ſhall convene a jury, who inſtead of fixing the prices of the different kinds of corn, according to the meaſures uſed in the ſeveral counties, ſhall determine the prices of a ſack of every kind of corn, ground or unground, and of all kinds of pulſe.

7. The Sheriffs, in making returns of the prices of corn, ſhall report to the receivers of the corn returns, the price of a ſack, inſtead of a buſhel, or quarter, of every kind of corn, meal or flour.

8. If any perſon ſhall after the——day of——promiſe to pay, contract to receive, ſell or purchaſe any corn by meaſure, it ſhall be paid or delivered only by weight, and according to that average weight which the ſaid jury of ſix farmers or proprietors of land, and ſix merchants and manufacturers, ſhall determine to be paid inſtead of the former meaſure.

9. If any perſon ſhall either pay or receive, buy or ſell, any corn, pulſe or potatoes, by meaſure, or otherwiſe than by the above weight of a ſack, or where there is leſs than a whole ſack, by the half or quarter of a ſack, or ſmaller proportion thereof, the ſaid perſon ſhall forfeit one fourth part of the price of the whole corn, ground or unground, pulſe or potatoes, ſold otherwiſe than by the ſack or parts of a ſack.

10. Whereas a practice has prevailed of giving to corn merchants and others, an allowance of one or more pounds to the ſcore, hundred or other number of weights or meaſures, and whereas this practice tends to conceal the real price of corn, meal, and flour, all ſuch allowances, additions, and over weights are declared to be illegal, and no more than the neat quantity ſold and ſpecified ſhall be paid or delivered.

11. If

† I have made a clauſe for a jury, and another for arbitrators, becauſe I find that ſome prefer the one mode, and ſome the other; let the parties chooſe. As corn is of very different weight, in different ſituations, and in different ſoils, the general average would not anſwer in many caſes.

11. If any man ſhall contract for, pay, deliver or receive ſuch allowances, after the——day of—— he ſhall be liable in a penalty of 2 ſhillings out of every 20 ſhillings of the price of the whole quantity, for every ſuch addition, as ſhall amount to one hundredth part of the whole weight of the corn, meal, flour or pulſe or potatoes.

12. If any perſon ſhall adulterate any corn, meal, or flour, or uſe any arts to make it lighter or heavier, by mixing with it any other ſubſtance, or any other kind of corn meal or flour, or by putting different qualities of corn in the ſame ſack, ſuch meal or flour ſhall be forfeited; and the perſon ſhall be liable to a penalty of ten pounds ſterling for every ſack of corn, meal or flour ſo adulterated.

13. Every market town, and every corn mill ſhall have a good beam or balance, a ſet of metal weights which ſhall be ſufficient to weigh a ſack, or any part of a ſack at once—under the penalty of twenty pounds, to be paid by the chief magiſtrate of the town, or proprietor of the corn mill, every three months, until ſuch beam and weights are procured.

14. At every market town, and every corn mill, a ſack of corn ſhall be weighed, for one halfpenny, and larger weights in proportion. The juſtices may raiſe this to one penny, but no higher. The money to be paid by the perſon who deſires it to be weighed; unleſs the corn be too light, when the owner of the corn is to pay it.

15. Offences againſt this act, or any of the above regulations, to be proved by the oath of one or more witneſſes; and to be cognizable either by one of the juſtices of the peace, or ſheriff.

16. One half of the penalties to be paid to the informer, the other half, after deducting expences, to be given in aid to the county rates.

17. Juſtices have power to mitigate penalties to the extent of one half of the ſums of penalty incurred, but no farther; alſo power to impriſon offenders till their fines are paid.

18. Nothing in this act to hinder any perſon from uſing meaſure for proving the quality of corn, by meaſuring a buſhel or other meaſure, out of every ſack;—provided, the corn be ſold by the ſack and not by the meaſure.

19. This act to be taken for a public act, by all judges, &c.

20. Copies of it to be paſted on the doors of all the eſtabliſhed churches.

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